MST

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FARAD CONTINUATION SHEET

CIVIL APPLICATION NO.4136 OF 2006
IN
FIRST APPEAL NO.1056 OF 2002

. . . . . .

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions & Registrar's orders	Court's or Judge's order

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Mr.Hiranandani i/by C.G.Gavnekar for applicants.

R.V.Bansode for respondent no.1.

CORAM : A.S.OKA, J.
DATE : 09th March 2007

PC :

1. Heard advocates for the applicants and the advocate for first respondent. This application for restoration of the appeal which was dismissed for non removal of the office objections is strongly opposed by the advocate for first respondent by contending that for last four years no steps have been taken.

2. After perusing the averments made in the application I find that a case for restoration is made out. So far as removal of office objections is concerned, normally it is the

responsibility of the advocate representing a party. A litigant cannot be blamed if a matter is dismissed for default on account of non removal of the office objections. Hence, application deserves to be allowed and the same is allowed in terms of prayer clauses (a) and (b).

(A.S.OKA, J.)